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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,212	02/11/2000	David Anthony Gawler	4747	4884

7590

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Shoemaker and Mattare LTD  
2001 Jefferson Davis Highway  
Crystal Plaza Building 1 Suite 1203  
Arlington, VA 22202

EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/502,212

Applicant(s)

GAWLER, DAVID ANTHONY

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification of in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herring US Patent 6,064,992 in view of DirecTV, Inc. hereinafter known as DirecTV.

Regarding claims 1 and 10, Herring discloses a postage meter which includes a memory including an ascending credit register to store an accumulated value of credit

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and an ascending tote register to store an accumulated tote value of postage charge dispensed by the postage meter in franking mail items. Accounting means of the postage meter determines whether the sum of a required postage value to be applied to a mail item and the accumulated tote value is equal to or less than the accumulated total value of credit stored in the ascending credit register, and, if the sum of the required postage value and the accumulated tote value is equal to or less than the accumulated credit value, operates printing means to print a franking impression on the mail item and increments the accumulated tote value stored in the tote register by an amount equal to the required postage value [abstract]. Also, applicant discloses that postage meters operate in a post payment mode in which the postage meter stores an accumulated aggregate value of postage dispensed in applying postage charges to mail items. Periodically the accumulated aggregate value of postage dispensed by the postage meter is determined by the postal authority and the user of the postage meter is billed for the value of postage dispensed.

Herring does not disclose storing accumulated pending value, However, Herring discloses storing an accumulated total value of postage charges dispensed. DirecTV discloses system and method which allows a customer to order pay-per-view from the receiver box. DirecTV requires that customers to connect the receiver box to a telephone line for billing and ordering purpose. This connection transmits programming purchase information from the receiver. DirecTV discloses that the telephone connection does not interfere with customer's phone. A modem inside the receiver makes a connection to DirecTV computer system in the middle of the night (at a later

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time). The action card that comes with each system allows DirecTV to capture billing information that is specific to customer's account [page 22]. It would have been obvious to a person with ordinary skill in the art that DirecTV stores information about the programming purchased by the customer and transmits the purchase to the DirecTV computer. Therefore, it is known at the time of invention to a person with ordinary skill in the art to store the pending value (accounts payable) to determine the pending liability to the service provider for the services used.

Regarding claim 2, Herring does not disclose storing accumulated pending value, However, Herring discloses storing an accumulated total value of postage charges dispensed. DirecTV requires that customers to connect the receiver box to a telephone line for billing and ordering purpose. DirecTV discloses that the telephone connection does not interfere with customer's phone. A modem inside the receiver makes a connection to DirecTV computer system in the middle of the night (at a later time). It is obvious that DirecTV stores programming purchased by the customer and transmits the purchase to the DirecTV computer (customer can order plurality of programming between customer receiver box contact with the DirecTV computer system). Alternatively, it is a business choice to decide what information it chooses to store for accounting purposes, and for the length of time it keeps the information (when to remove the information from a accounts payable to accounts paid state). Therefore, it is known at the time of invention to a person with ordinary skill in the art to store the

pending value of the products ordered (accounts payable) to determine the pending liability to the service provider for the services used.

Regarding claims 3 and 11, Herring discloses an ascending register, referred to as the tote register, stores an accumulated total value of postage used in franking mail items [col. 3, lines 53 – 54].

Regarding claim 4 – 5 and 12 – 13, Herring discloses an ascending register, referred to as the tote register, stores an accumulated total value of postage used in franking mail items [col. 3, lines 53 – 54]. It is a business choice to decide what information it chooses to store for accounting purposes, and for the length of time it keeps the information (when to remove the information from a accounts payable to accounts paid state).

Regarding claims 6, Herring discloses an ascending register, referred to as the tote register, stores an accumulated total value of postage used in franking mail items [col. 3, lines 53 – 54]. It is a business choice to decide what information it chooses to store for accounting purposes, and for the length of time it keeps the information (when to remove the information from a accounts payable to accounts paid state). It would

have been obvious to a person with ordinary skill in the art that value stored in the register is the accumulated value since the last reset to zero of the register. It is a business decision to decide if the register should be reset to zero at the beginning of each batch (i.e. value in the register will be the accumulated value of the batch).

Regarding claims 7 – 8, Herring does not disclose receiving a message and decrementing the stored accumulated pending value, However, Herring discloses that it is known that postage meters have features of decrementing value stored in a register. As each mail item is franked with a printed postage impression, the value of credit registered in the descending register is decremented by an amount equal to the postage charge for the mail item [col. 1, lines 9 – 20]. DirecTV requires that customers to connect the receiver box to a telephone line for billing and ordering purpose. This connection transmits programming purchase information from the receiver. [page 22]. It would have been obvious to a person with ordinary skill in the art that DirecTV stores information about the programming purchased by the customer and transmits the purchase to the DirecTV computer. Also, it is known at the time of invention to a person with ordinary skill in the art that it is a business choice to decide what information it chooses to store for accounting purposes, and for the length of time it keeps the information (when to remove the information from a accounts payable to accounts paid state). Therefore, it is known at the time of invention to a person with ordinary skill in the art to store the pending value (accounts payable) and decrement the closed transaction to determine the pending liability to the service provider for the services used.

Regarding claim 9, applicant discloses that postage meters operate in a post payment mode in which accumulated aggregate value of postage dispensed by the postage meter is determined by the postal authority and the user of the postage meter is billed for the value of postage dispensed. It is a business choice on how they calculate total liability. A business may elect to have one account in which all the transactions are recorded (e.g. cash account), or, decide to implement plurality of accounts. Therefore, it is known at the time of invention to a person with ordinary skill in the art to implement a multiple of account system to calculate liabilities to determine the cash flow.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Eckert US Patent 4,584,647

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone numbers for



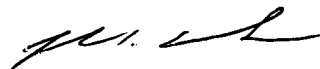
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the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

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April 1, 2003



**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3800**